

**To:** Schmittdiel, Paula[Schmittdiel.Paula@epa.gov]; Fassero, Christopher A NWO[Christopher.A.Fassero@usace.army.mil]  
**Cc:** McMIndes, Daniel C SPD@SPK[Daniel.C.McMIndes@usace.army.mil]  
**From:** Darling, Mary N NWO  
**Sent:** Thur 4/9/2015 3:59:54 PM  
**Subject:** RE: Upper Animas Watershed Data Review & Organization Task Order (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

I am avail except 1115-100 central.

Mary N. Darling  
Project Manager  
402-995-2116  
bby: 402-216-4253

-----Original Message-----

From: Schmittdiel, Paula [mailto:Schmittdiel.Paula@epa.gov]  
Sent: Thursday, April 09, 2015 10:53 AM  
To: Fassero, Christopher A NWO  
Cc: Darling, Mary N NWO; McMIndes, Daniel C SPD@SPK  
Subject: [EXTERNAL] RE: Upper Animas Watershed Data Review & Organization Task Order

Yes - tomorrow not today. I can discuss anytime tomorrow between 8:30 am & 2:00 pm. Let me know what works for you

Paula Schmittdiel  
Remedial Project Manager  
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-----Original Message-----

From: Fassero, Christopher A NWO [mailto:Christopher.A.Fassero@usace.army.mil]  
Sent: Thursday, April 09, 2015 9:48 AM  
To: Schmittdiel, Paula  
Cc: Darling, Mary N NWO; McMIndes, Daniel C SPD@SPK  
Subject: Upper Animas Watershed Data Review & Organization Task Order

Paula,

USACE has received a revised proposal for the Upper Animas Watershed data review and organization task order. The proposal is slightly less than the original proposal due to corrections to the labor rates, which must reflect the labor rates established in the MATOC. However, the contractor didn't reduce their estimated level of effort for the work. Here's the rationale they provided:

"[We] have also reviewed the Upper Animas Cement Creek Index provided on April 2, 2015, which contained 518 documents. Based on our technical review and the uncertainty of the number of documents, which could be significant, that are associated with Mineral Creek and the Sunnyside Mine along the Animas River Section, [we] cannot reduce our current level of effort. However, if the USACE provides the number of additional documents to be reviewed, we can develop a

more accurate level of effort."

Mary Darling told me that you'd like to limit the cost of this task order to \$100K. The problem with doing that is that this is a firm fixed price task order, and the PWS requires specific deliverables. For Task 2 - Data Search, the PWS requires, "... a comprehensive review of environmental data collected for the Upper Animas River watershed." This suggests that we want the contractor to find all available data. For Task 3 - Data Organization and Gap Analysis, the PWS directs the contractor to evaluate the usability of the data for an RI/FS and identify data gaps compared to the data requirements for an RI/FS, as well as identify how to fill those gaps. Based on our discussions with the contractor, their understanding is that EPA wants to be able to use the data report and the data gap analysis and planning report produced under this task order to move directly into the RI/FS phase without having to perform additional searches or analyses of existing data. This is also my understanding of what you want.

So, if we want to limit the cost of this task order to \$100K, we need to somehow convince the contractor that they can accomplish the current SOW for \$100K, or we need to revise the SOW to require less effort, and probably more limited deliverables. We can't just tell them to work until they've spent \$100K, and then submit what they have at that point for deliverables because there wouldn't be any way to determine whether their deliverables satisfied the SOW. I think we can do something like this under a cost reimbursable contract, but not under a firm fixed price contract.

I know that you're busy today with a PRP meeting, so I'd suggest that we discuss this issue tomorrow (10 Apr). Gary Krongard had reschedule our weekly meeting to 10:30 am CDT tomorrow, but I can't make that time. Do you have a meeting on your calendar, and if so, could we reschedule it for sometime after 1:00 pm CDT tomorrow? I'm copying Dan McMindes on this also, so he'll be in the loop.

Thanks,  
Chris

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